

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 77112

Herlinda Alcantara

1007 Foxchase Lane

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 4, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302; 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, failure to cease open dump, failure to cease outside storage of untagged/inoperative vehicles, failure to repair/replace defective downspouts/gutters on residential property zoned DR 10.5 known as 1007 Foxchase Lane, 21221.

On July 7, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$18,600.00 (eighteen thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2010 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove trash and debris, store garbage in cans with tight lids, repair exterior structure, repair roof, repair/replace missing and defective downspouts/gutters. This Citation was issued on July 7, 2010.

B. Photographs in the file show a brick row house, attached on both sides to other row homes. Court records show this property is the subject of foreclosure proceedings, but no action has been taken on the foreclosure case since August 2008 and there is no indication that there has been a change in possession or ownership of the property.

C. Photographs show junk and trash in the rear yard, including an old tire. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Photographs show two sedan vehicles parked in the rear yard, without valid license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property. If the violation is not corrected within the time provided below, the County will be authorized to remove the vehicles, at the property owner's expense.

E. Photographs show the gutters and downspouts are in need of repair, and the front downspout from the second floor roof is missing. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. Properly functioning gutters and downspouts are important to direct water away from the building foundation, for the protection of this house and also to protect adjoining houses.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,500.00 (one thousand five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$150.00 (one hundred fifty dollars) if the violations are corrected by September 15, 2010, with all junk, trash and debris removed; both vehicles either tagged and operable or removed; and the gutters and downspouts repaired.

IT IS FURTHER ORDERED that after September 15, 2010, the County may enter the property for the purpose of removing the untagged motor vehicles, at the property owner's expense.

IT IS FURTHER ORDERED that after September 15, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf